

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

CALVIN BOSWELL,

Movant,

v.

Case No. 2:16-cv-05729

Case No. 2:13-cr-00117

UNITED STATES OF AMERICA,

Respondent.

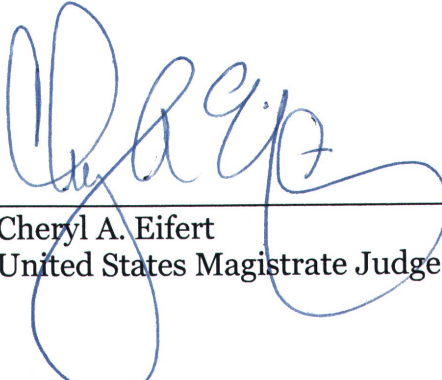
**MEMORANDUM OPINION AND ORDER SEALING MOTION
AND SUPPLEMENTAL MEMORANDUM**

Pending before the Court is Movant's Motion to Seal (ECF No. 75) attaching Movant's Motion for Leave to File Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255 and Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255. Due to the highly confidential nature of the information, this Court **ORDERS** Movant's Motion for Leave to File Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255 and Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255, to be sealed. (ECF Nos. 75-1, 75-2, 75-3). The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its

decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Movant's Motion for Leave to File Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255 and Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255 shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the confidential nature of the information, and the format on which the information is contained, no such alternatives are feasible at this time. Moreover, the public's right to be informed is greatly outweighed by the interests to be protected in this circumstance. Accordingly, the Court finds that sealing the Motion for Leave to File Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255 and Supplemental Memorandum in Support of Motion to Correct Sentence Under 28 U.S.C. § 2255 does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Movant and all counsel of record.

ENTERED: August 2, 2016



Cheryl A. Eifert
United States Magistrate Judge